



Questions & Answers



Questions & Answers

Q1. Has there been any discussion about Soldiers who are released from active duty due to injury? I know the MGIB-AD states that it is one month for every month served if the Soldier served less than 36 months. The Post 9/11 information states that a Soldier discharged for disability/injury will receive 100% but is that for the full 36 month entitlement?

A1. YES. However the Soldier must serve 30 consecutive days and be discharged for a service connected disability. The Soldier will receive 36 months of benefits at the 100% rate.

Q2. If a veteran uses their MGIB-AD and marries or is married to an active duty/Guard/Reservist who qualifies for transferability, can that Soldier transfer their Post 9/11 benefit to his spouse who has already used her MGIB-AD?

A2. YES, however, 48-month rule would apply in this situation.



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Statement from VA Website:

"Normally, your months of entitlement under the Post-9/11 GI Bill will be equal to the number of months of entitlement you have remaining under the MGIB-AD. However, if you use all of your MGIB-AD benefits, then you may be entitled to a maximum of 12 additional months of benefits under the Post-9/11 GI Bill."

Q3. Do they mean if you've used all of your chapter 30 MGIB by August 1, 2009?

A3. Not by 1 Aug 09, they mean if you have used all your MGIB benefits prior to requesting to convert to Post 9/11 GI Bill.

Q4. Outside the obligation periods specified for Military Academy graduates and ROTC cadets whose contract period is specified under 10 USC 2107, is there an obligation period for other officers during which their active duty time will not count toward Post-9/11 GI Bill entitlement?

A4. Yes, those who accept the Student Loan Repayment incentive, which at the current time applies only to JAG Corps and AMED officers.



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Q5. Does that same scenario hold true after 1 August 2009? In other words, can a person go ahead and use up all of their chapter 30 eligibility and then apply to transfer to the Post 9/11 GI Bill and gain an additional 12 months of benefits from here on out?

A5. YES.

Q6. What if they've used 35 months of MGIB?

A6. They get 1 month of Post 9/11 GI Bill benefits.

Q7. Do they only get one month when the person that used it all may get an additional 12?

A7. That is correct.



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Q8. If an eligible Soldier wishes to transfer his Post-9/11 GI Bill benefits to his children, will his entitlement be divided among his children or will each child be entitled to the full amount of the Soldier's entitlement?

A8. The Soldier must designate the number of months each child receives. The total number the Soldier transfers cannot exceed the number of months of Post 9/11 GI Bill benefits the Soldier is entitled to. A Soldier with 36 months of benefits could transfer 35 months to one child and one month to another child or any combination therein so long as the combination does not exceed the 36 months to which the Soldier is entitled.

Q9. If an eligible Soldier wishes to transfer his Post-9/11 GI Bill benefits to his spouse and children, will the entitlement be divided among spouse and child(ren) or will the spouse and children be entitled to the full amount of the Soldier's entitlement?

A9. The Soldier has only 36 months of benefits max. Potentially less if the Soldier has used some of the benefits or has used benefits under another VA education program. The Soldier can only transfer the number of months the Soldier has remaining unused. A Soldier cannot transfer 36 months of Post 9/11 GI Bill benefits to the Spouse and every child.



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Q10. How will Post 9/11 mesh with the current rules on involuntary and convenience of the government discharges?

A10. It doesn't mesh. The Post 9/11 GI bill is a separate chapter (33) in Title 38 and is quite different from the MGIB (chapter 30).

Under the Post 9/11 GI Bill, if a Soldier is separated prior to completing the service commitment, less established exceptions, the transfer will be revoked unless the Soldier completes the un-served time (service obligation) in the SELRES.

Q11. Will SPDs be adjusted to fit?

A11. No.

Q12. Why did DA wait so long to define the Army rules for transferability?

A12. Because the rules were not finalized by OSD until 23 June 09. The Army cannot unilaterally approve Post 9/11 GI Bill transferability policy without OSD policy being published first. OSD policy establishes the overarching military policy used to implement a legal requirement or entitlement. Once DOD policy is established, the Army can then approve Army policy. The Army was closely engaged with OSD in the development of OSD policy.



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Q13. What is going to be done regarding transferability for Family Members of disabled Soldiers who are not able to re-enlist for another 4 yrs?

A13. So long as they meet the base requirement, eligible for benefits and have at least six years in the service, Army will grant an exception to retention policy to allow them to reenlist for four years. If they are separated for medical reasons prior to completing the four years, DA, OSD, and VA will consider the term met and benefits will remain transferred.

Q14. If the GI Bill can be transferred to family members who may eventually complete a Bachelors Degree and enlisted/commissioned in the military, will this servicemember be entitled to another GI Bill as well once their service ends?

A14. Potentially yes.



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Q15. If so, this will be a total of 72 months of education. Is this fair?

A15. Doesn't matter if it is fair or not, that is how it is by law; in fact it is possible for a Soldier to get well up to 108 months of Post 9/11 GI Bill entitlement .

Q16. I have an active Reservist who was enrolled in the SLRP when he enlisted in 2005. At what point will he become eligible for the Post 9/11 GI Bill?

A16. If it is an RC SLRP, he has no active duty service commitment. Therefore all active duty performed after IET, less annual training, is qualifying.

Q17. Is the transfer of entitlement benefit only available to the Army?

A17. No, all services can transfer Post 9/11 GI Bill benefits. An individual, however, must be either on AD or in the SELRES in order to transfer benefits to a particular dependent. Changes/revocation can be made after separation, however, no new beneficiaries can be identified then.



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Q18. Should the transferee be in DEERS?

A18. INDIVIDUAL (SPOUSE/CHILD[REN]) *MUST* BE IN DEERS IN ORDER TO HAVE BENEFITS TRANSFERRED TO THEM.

Q19. The slides are confusing: Some members retiring in 2010 will have to complete another year, etc.

A19. Possibly. If they have less than 20 on 1 Aug 09 but have an approved retirement in the window (see chart) they don't have to do more time. If they don't have an approved retirement, they have to do one more year.



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Retirement Issues regarding Transferability

Q20. If a person wants to retire this year with 20 years or more, no other time is required. Is this correct?

A20. If they have 20 or more years as of 1 Aug 09, no additional time is required. If they have 19 years and 11 months as of 1 Aug 09, one additional year is required unless they have an approved retirement on the date of submitting the request and the retirement date is on or after 1 Sep 09 and on or before 1 June 10.

Q21. Can the Soldier give his Post 9/11 Education Benefits to a sister, brother, mother or father?

A21. No, not even if they are dependents. It must be a child or spouse.



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Q22. When there has been a divorce, what legal rights do the former spouse and children have regarding the transferability of the GI Bill? Will the answer be, “it is up to transferor?”

A22. NONE. Post 9/11 GI Bill benefits, by law, are not marital property. A Soldier/Veteran can revoke transfer of UNUSED benefits at anytime.

Q23. We had a person retiring that came and wants to transfer to his stepdaughter who now lives in the Philippines.

A23. Only if the step daughter is enrolled in DEERS as a dependent and is eligible for DEERS benefits.



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Q24. If the \$1200 contributed to the MGIB will be refunded, why can't the extra \$600 for the Plus Up?

A24. The law doesn't allow for (specify) it.

Q25. If the Post 9/11 Chapter 33 can be used for the doctorate, are there considerations to add face-to-face doctoral programs on installations?

A25. ACES POLICY MATTER.

Q26. Will a Soldier receive the highest tuition cost for a State School in his/her home state, or the highest tuition cost for a State School in the state where he/she attends school, whether it is his home state or not?

A26. State of enrollment. NOTE: If used while on active duty, the Post 9/11 GI Bill will cover the full amount of tuition regardless of highest in-state undergrad tuition/fees limit. The state-based cap applies only if used while not on active duty or when used by a child. Spouse is paid like a Soldier, a child like a Vet.



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Q27. A Soldier who was qualified under the MGIB to transfer 18 months of his MGIB Education Benefits to his spouse did so. If his spouse uses the entire 18 months, and the Soldier also used a portion of the remaining 18 months. Can he/she transfer to the Post 9/11 GI Bill and obtain an additional 12 months; making his/her total Education benefits package consist of 48 months?

A27. No. The Soldier would have to use all MGIB benefits, prior to applying to the VA to convert, to receive the 12 additional months of benefits under Post 9/11 GI Bill benefits.

Q28. When "CREDIT HOUR" is used in the guidance, are they referring to Semester Hours or Quarter Hours?

A28. Depends on how the school is conducted, quarters or semesters.

Q29. How will Top-up be handled under the new Post 9-11 GI Bill?

A29 If it is on top of tuition assistance, the Post 9/11 GI Bill will pay the amount not paid by tuition assistance. If the Soldier uses it this way while on active duty, the VA will pay all tuition and fees less tuition assistance received. AGAIN THERE IS NO CAP FOR TUITION/FEEES FOR THOSE ON ACTIVE DUTY.



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Q30. How is entitlement charged when one uses Top-up under the new Post 9-11 GI Bill?

A30 . All entitlement under chapter 33 (with the exception of entitlement charged only for book stipends) is charged based on rate of pursuit. If an individual is pursuing training at full-time, he/she will use one day of entitlement for each day of training. This concept is the same whether the individual is on-duty or off-duty.



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Q31. How is entitlement charges for book stipends?

A31. The amount payable to an individual for a lump sum for books, supplies, equipment, and other educational costs (also referred to as the book stipend) is limited to up to \$1,000 each academic year. The book stipend must be paid proportionally based on the fraction of the academic year that term, quarter, or semester the individual is attending represents. If the individual is ONLY eligible to receive a lump sum payment for the book stipend for the certified period of enrollment, VA will limit the entitlement charge to one day for each \$41.67 received by the individual, with any remaining amount rounded to the nearest amount evenly divisible by \$41.67.

ANSWER CONTINUED ON NEXT SLIDE



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Q31 (Continued). How is entitlement charges for book stipends?

Individuals who receive payment of established charges (tuition/fees) or the monthly housing allowance will NOT receive an additional entitlement charge for the book stipend. The formula used to determine entitlement charge for the book stipend will only be used if the individual does not receive any other payment under 38 U.S.C. 3313. Using this formula allows the individual to receive educational assistance for books, supplies, equipment, and other educational costs while maximizing entitlement use.



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Q32. (Part I) If a Soldier has already submitted a request to transfer some of his Chapter 33 benefits to a spouse or a child and there is a delay in the ultimate processing/approval by the Army and then certification by the VA such that the certification from VA does not arrive until after this coming semester begins, will the VA pay the school after that time? If so, what is the cutoff date and what would be the circumstances in which the VA would pay the school after the term/semester has begun? Would it be up to a year later just like with retroactive MGIB payments? (Part II) I also take it that if the individual ends up paying the school for tuition because the school does not want to wait on the VA and then the VA pays the school, the student would have to work out a refund with the school. Correct?

A32. VA can pay up to one year prior to the individual's date of claim. Since no one can receive benefits under chapter 33 prior to 8-1-09, VA will pay any enrollment certifications received on or before 08/01/10 as far back as the effective date (08/01/09) if the individual is eligible. The law requires that we issue tuition and fees payments to the school. If the individual paid tuition and fees out of pocket prior to the school receiving VA's payment, you are correct in that the individual would have to speak with the school regarding any refund due.



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Q33. If I recall correctly from one of the DVA briefings I attended, a single individual can receive 36 months of transferred Chapter 33 benefits from each parent AND also then join the military and get their own 36 months of entitlement under chapter 33 for a total of 108 months? Is this correct?

A33. You are correct. If DoD approved both parents to transfer benefits to a single individual, and that individual later enlisted and earned benefits based on his/her own service, that individual would be eligible for up to 08 months of benefits under the Post-9/11 GI Bill.

*** Please note that if the individual uses even 1 day under another benefit program (30, 1606, 1607) they will be limited to a cumulative total of 48 months of benefits under all programs for which they are eligible.**



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Disability Discharges



Q34. The question posed is what kind of service obligation, if any, do WW incur if they transfer their benefits?

A34. Wounded Warriors incur the same additional service obligation just as any other Soldier. They must also meet all eligibility requirements: be eligible for Post 9/11 GI Bill benefits, have at least six years of service (IRR not included), and not have an adverse action flag.

Q35. Subject to the exceptions for years in service and retirement eligibility, is the intent of the policy for them to incur the normal service obligation that is later waived upon an approved medical retirement?

A35. Yes. The DVA has agreed to not recoup paid benefits or revoke transferred benefits for Soldiers who have agreed to an additional service commitment and who did not complete the agreed upon service due to separation for medical disability or through a service force shaping initiative.



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Q36. Under the Post 9/11 GI Bill, if a Soldier were to have multiple periods of qualifying service (i.e., reenlistments) so as to give him full entitlement for Chapter 33, but then did something "bad" in his last period of active duty, which led to a less than fully honorable discharge, would that Soldier have any entitlement under Chapter 33? Would the 20/30 rule apply for Chapter 33 as it does for Chapter 30, so that a Soldier who, after reenlisting then screws up and gets a less than honorable discharge could still get MGIB benefits provided he/she served at least 20mos. on a two-year enlistment or 30 mos. on a 3-year enlistment before reenlisting? Under Chapter 33, what really counts in the end regarding Post9/11 GI Bill entitlement - The LAST discharge type or ANY "fully honorable" ONE that occurred after 11 SEP 01, provided that the individual?

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A36. All creditable periods of service will be counted towards an individual's Post-9/11 GI Bill eligibility. This is similar to "any period of honorable service" rule under chapter 30. For example, let's say an individual enlisted in the Army for 4 years on 09/15/01. That individual reenlisted 10/26/03 for an additional 4 years but was dishonorably discharged on 12/01/05. That individual would continue to qualify for chapter 33 based on the creditable period of service between 09/15/01 through 10/26/03, the date the individual reenlisted.

The period of service for which the individual received the dishonorable discharge cannot be used to qualify for an increased benefit under chapter 33 or to extend the individual's delimiting date.